

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4790

SAYIRA URRIOLA,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Frederic N. Smalkin, District Judge.
(CR-98-383)

Submitted: May 19, 2000

Decided: June 8, 2000

Before MURNAGHAN, WILKINS, and TRAXLER,
Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Gary A. Ticknor, Baltimore, Maryland, for Appellant. Lynne A. Battaglia, United States Attorney, Richard C. Kay, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

After a jury trial, Sayira Urriola was convicted of one count of conspiracy to distribute cocaine. Urriola's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising three issues but indicating that, in his view, there are no meritorious issues for appeal. Urriola has filed a pro se supplemental brief raising several more issues. After a thorough review of the record, we affirm the conviction and sentence.

We find that the Government did not engage in outrageous conduct in its investigation of the conspiracy. We also find that because Urriola did not object to her co-defendants' motion for a mistrial, her retrial did not violate her protection against double jeopardy. See United States v. Ham, 58 F.3d 78, 83 (4th Cir. 1995). We also find that the district court did not err by denying Urriola's request that the jury be instructed on multiple conspiracies. See United States v. Kennedy, 32 F.3d 876, 884 (4th Cir. 1994); United States v. Crockett, 813 F.2d 1310, 1316-17 (4th Cir. 1987).

We decline to consider Urriola's claim that her counsel was ineffective at this juncture because it does not conclusively appear on the face of the record that her counsel was ineffective. See United States v. Williams, 977 F.2d 866, 871 (4th Cir. 1992).

Pursuant to Anders, we have reviewed the record and Urriola's other claims and have found no reversible error. We therefore affirm the conviction and sentence. This court requires that counsel inform his client, in writing, of her right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, then counsel may move this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

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